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AMENDMENTS TO LB 525

1           1. Insert the following new section:

2           "Sec. 2. Section 53-1,104, Revised Statutes Supplement,  
3   2002, is amended to read:

4           53-1,104. (1) Any licensee which sells or permits the  
5   sale of any alcoholic liquor not authorized under the terms of such  
6   license on the licensed premises or in connection with such  
7   licensee's business or otherwise shall be subject to suspension,  
8   cancellation, or revocation of such license by the commission.

9           (2) When an order suspending a retail license to sell  
10   alcoholic liquor becomes final, the licensee may elect to pay a  
11   cash penalty to the commission in lieu of suspending sales of  
12   alcoholic liquor for the designated period if such election is not  
13   prohibited by order of the commission. Except as otherwise  
14   provided in subsection (3) of this section, for the first such  
15   suspension for any licensee, the penalty shall be fifty dollars per  
16   day, and for a second or any subsequent suspension, the penalty  
17   shall be one hundred dollars per day.

18          (3) (a) For a second suspension for violation of section  
19   53-180 or 53-180.02 occurring within ~~four~~ seven years after the  
20   date of the first suspension, the commission, in its discretion,  
21   may order that the licensee be required to suspend sales of  
22   alcoholic liquor for a period of time not to exceed forty-eight  
23   hours and that the licensee may not elect to pay a cash penalty.  
24   The commission may use the required suspension of sales of

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1 alcoholic liquor penalty either alone or in conjunction with  
2 suspension periods for which the licensee may elect to pay a cash  
3 penalty. For purposes of this subsection, second suspension for  
4 violation of section 53-180 shall include suspension for a  
5 violation of section 53-180.02 following suspension for a violation  
6 of section 53-180 and second suspension for violation of section  
7 53-180.02 shall include suspension for a violation of section  
8 53-180 following suspension for a violation of section 53-180.02;

9 (b) For a third or subsequent suspension for violation of  
10 section 53-180 or 53-180.02 occurring within ~~four~~ seven years after  
11 the date of the first suspension, the commission, in its  
12 discretion, may order that the licensee be required to suspend  
13 sales of alcoholic liquor for a period of time not to exceed  
14 fifteen days and that the licensee may not elect to pay a cash  
15 penalty. The commission may use the required suspension of sales  
16 of alcoholic liquor penalty either alone or in conjunction with  
17 suspension periods for which the licensee may elect to pay a cash  
18 penalty. For purposes of this subsection, third or subsequent  
19 suspension for violation of section 53-180 shall include suspension  
20 for a violation of section 53-180.02 following suspension for a  
21 violation of section 53-180 and third or subsequent suspension for  
22 violation of section 53-180.02 shall include suspension for a  
23 violation of section 53-180 following suspension for a violation of  
24 section 53-180.02; and

25 (c) For a first suspension based upon a finding that a  
26 licensee or an employee or agent of the licensee has been convicted  
27 of possession of a gambling device on a licensee's premises in

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1 violation of sections 28-1107 to 28-1111, the commission, in its  
2 discretion, may order that the licensee be required to suspend  
3 sales of alcoholic liquor for thirty days and that the licensee may  
4 not elect to pay a cash penalty. For a second or subsequent  
5 suspension for such a violation of sections 28-1107 to 28-1111  
6 occurring within four years after the date of the first suspension,  
7 the commission shall order that the license be canceled.

8 (4) For any licensee which has no violation for a period  
9 of ~~four~~ seven years consecutively, any suspension shall be treated  
10 as a new first suspension.

11 (5) The election provided for in subsection (2) of this  
12 section shall be filed with the commission in writing one week  
13 before the suspension is ordered to commence and shall be  
14 accompanied by payment in full of the sum required by this section.  
15 If such election has not been received by the commission by the  
16 close of business one week before the day such suspension is  
17 ordered to commence, it shall be conclusively presumed that the  
18 licensee has elected to close for the period of the suspension and  
19 any election received later shall be absolutely void and the  
20 payment made shall be returned to the licensee. The election shall  
21 be made on a form prescribed by the commission. All funds received  
22 under this section shall be remitted to the State Treasurer for  
23 credit to the temporary school fund.".

24 2. On page 2, line 9, after "be" insert "guilty of a  
25 Class III misdemeanor and shall be".

26 3. On page 3, line 1, strike "(a)"; in lines 3, 6, 8,  
27 and 11 strike "suspension" and insert "impoundment"; in line 6

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1 strike "(i)" and insert "(a)"; in line 8 strike "(ii)" and insert  
2 "(b)"; in line 10 strike "(iii)" and insert "(c)"; and strike lines  
3 13 through 28.

4 4. On page 4, strike lines 1 through 4; and in line 5  
5 strike "(5)" and insert "(4)".

6 5. Amend the repealer and renumber the remaining  
7 sections accordingly.